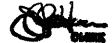
FILED

UNITED STATES DISTRICT COURT

NOV 1 5 2005

DISTRICT OF SOUTH DAKOTA



SOUTHERN DIVISION

TONY KENYON; ERIC JAMES QUEEN; TONY R. HARRISON; RICKY L. BYRD; ALAN W. WALTHER; MICHAEL R. DeBOER; STEVE BRANDNER; DEREK KOKESH; TERRY O'NEAL; BRIAN WERNER; JOSHUA REDD; KYLE VAN ZEE; JAMES WHITTEMORE; KENNY BEUS; TONY D. SCHULTZ; MICHAEL DEAN SMITH; THOMAS DALTON; VICTOR H. PINEDA CORNEJO; ROBBIE HENNIS; ROBERT KLEEN; DONROY GRASS; ALAN L. RED WILLOW; * BRUCE KUPSEN; KELLY CRAYOE; MELVIN TURNER; STEVEN HURLEY: WILLIAM LEITH; KENNETH MANNING; DAVID WREN; DENNY RODRIGUEZ; ELI WHITE; DEVIN TARRANT; MICHAEL BUTNER; LESLIE PAUL RABA; RYAN WOLF; JACK NORTH; MICHAEL HORST; GLEN MEYER; SAMSON GRANNEMAN; PAUL WOOD; DAVID THEEL: RANDY L. ANDERSON: JOHN PERKINS; GERALD YOUNG: ROBERT RYE; ANDREW BULLER; WILL BAKER; CHRIS SNOW; SHELDON LITTLE EAGLE; JR ZULKER; ZACHARY T. ARVIN; and LAVAUGHN FOSTER;

Plaintiffs,

VS.

WARDEN DOOLEY,

Defendant.

CIV. 05-4150

ORDER DETERMINING IN FORMA PAUPERIS STATUS OF PLAINTIFF TONY KENYON

*

After reviewing Plaintiff Tony Kenyon's motion to proceed in forma pauperis and the

prisoner trust account report, the court finds that plaintiff is required by the Prison Litigation Reform

Act, 28 U.S.C. § 1915, to make an initial partial filing fee of \$24.82 (20% of his average monthly

balance for the past six months). Plaintiff's current prison account balance is \$145.54.

Upon the record,

IT IS ORDERED:

1. That Plaintiff Tony Kenyon's motion to proceed in forma pauperis (Doc. 6) is

granted, subject to further review to determine if this action should hereafter be

dismissed pursuant to 28 U.S.C. § 1915(e)(2).

2. That Plaintiff Tony Kenyon shall make an initial partial fee payment for docketing

and filing fees in the amount of \$24.82 to the clerk of this court on or before

December 16, 2005.

3. That the institution having custody of the plaintiff is hereby directed that whenever

the amount in Plaintiff Tony Kenyon's trust account exceeds \$10.00, monthly

payments that equal 20% of the funds credited the preceding month to the plaintiff's

trust account shall be forwarded to the U.S. District Court Clerk's Office pursuant to

28 U.S.C. § 1915(b)(2), until the filing fee is paid in full.

Dated this $15 \frac{M}{\text{day}}$ of November, 2005.

BY THE COURT:

John E. Simko

United States Magistrate Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Sharon Souro

Deputy

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